

Attorney Docket No.: DEX0489US.NP  
Inventors: Duan et al.  
Serial No.: 10/558,543  
Filing Date: October 23, 2006  
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#### REMARKS

At the outset, Applicants would like to thank Examiner Aeder for the courtesy of the Telephone Interview conducted on October 21, 2007.

Claims 1, 8, 9, 20, 22, 24-26, 29-31, 45, 46, 48, 51, 53, 68, 70, 74, 676, 84, 89 and 95 are pending in the instant application.

In the September 21, 2007 communication, these claims were subjected to the following Restriction Requirement:

Group I, claims, 1 and 76, drawn to a method for assessing the risk of prostate cancer in a patient comprising detecting Cln101 and PSA;

Group II, claims 8, 76 and 9, drawn to methods for assessing the risk of ovarian cancer in a patient comprising detecting Cln101 or Cln101 and CA125;

Group III, claims 25, 26, 29-31, 45, 46, 48, 51 and 95, as specifically drawn to a kit for diagnosing a patient's susceptibility to prostate cancer;

Group IV, claims 22, 25, 26, 29-31, 45, 46, 48 and 51, as specifically drawn to a kit for diagnosing a patient's susceptibility to ovarian cancer;

Group V, claims 53, 68 and 70, drawn to a method of killing Cln101-expressing cancer cell with an antibody that specifically binds Cln101; and

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Group VI, claim 89, drawn to a screening method for antibodies that bind an epitope which is bound by an antibody that specifically binds Cln101.

The Examiner suggests that the inventions listed in Groups I-VI do not relate as a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2 they lack the same or corresponding special technical feature.

Applicants respectfully traverse this Restriction Requirement. Reconsideration of this Restriction Requirement is respectfully requested.

Applicants respectfully disagree that the specific antibodies of the present invention do not define a contribution over the prior art of Macina (WO 00/20640). The contributions of the present invention over teachings of Macina (WO 00/20640) will be made clear during prosecution of the instant application.

Further Applicants respectfully disagree with the above Grouping of the claims. As discussed and agreed to with Examiner Aeder on October 21, 2007, antibody claims 24, 25, 26, 29, 30, and 31, cells for their production as set forth in claims 45 and 46 and compositions comprising an antibody as set forth in claims 48 and 51, are not necessarily linked to kit claims 20 and 22 or 20 and 95. Thus, alternative Grouping of these claims was agreed to as follows:

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Group A, claims 24, 25, 26, 29, 30, 31, 45, 46, 48 and 51, drawn to antibodies, cells for their productions, and compositions thereof;

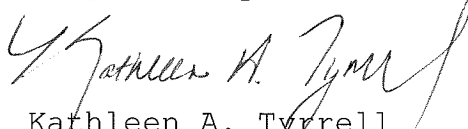
Group B, claims 20 and 22, drawn to a kit for diagnosing a patient's susceptibility to ovarian cancer; and

Group C, claims 20 and 95, drawn to a kit for diagnosing a patient's susceptibility to prostate cancer.

In an earnest effort to advance the prosecution of this case and to be responsive to the Restriction Requirement of record, further clarified in the Telephone Interview conducted on October, 21, 2007, Applicants elect to prosecute claims 24, 25, 26, 29, 30, 31, 45, 46, 48 and 51, with traverse.

Applicants believe this to be a complete response to the Restriction Requirement of record.

Respectfully submitted,

  
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